

REMARKS

Claims 1-18 stand rejected. The independent claims are method claim 1, arrangement claim 9, mobile device claim 14, external memory unit claim 16, and arrangement claim 17. Claims 1-18 are all rejected under 35 U.S.C. § 102(e) as anticipated by *Toyoshima* (U.S. Publication 2002/0087759). Claims 1 and 14 are now slightly amended to overcome the rejections under 35 USC § 112.

Applicant respectfully submits that the present invention is both novel and non-obvious in view of *Toyoshima* (U.S. Publication 2002/0087759).

First, we would like to present a summary of the claimed invention. The present invention is about the download of firmware data through a mobile phone to an external memory; this downloaded data is used to update firmware of the mobile phone that is performing the downloading.

The *Toyoshima* reference presents a wireless module for wirelessly updating code to a peripheral device (*Toyoshima* paragraph 5). In the process of *Toyoshima*, firmware or code of a peripheral device is updated, **not** firmware of the wireless module. The Office Action states that “the primary code is a final firmware that is loaded and executed as a firmware in this wireless module”. However, the primary code, which is loaded and executed in the wireless module, is the primary code **of the peripheral device**. Nowhere in *Toyoshima* it is suggested that the primary code would be primary code for (or of) the wireless module.

Toyoshima repeatedly states that the wireless module is used to update code to the peripheral device (e.g. see *Toyoshima* at paragraph 17, first sentence, Summary of the invention of *Toyoshima*, Abstract of *Toyoshima*). Therefore, the idea in *Toyoshima* is to have an external module for updating of a peripheral device, where the external module can store and execute code update and also can act as a backup for an earlier version of the code of the peripheral device.

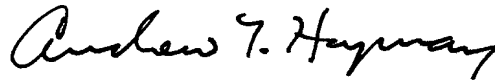
CONCLUSION

Applicants respectfully submit that the claims of the present application define patentable subject matter and are patentably distinguishable over the cited references for

the reasons explained. The rejections of the final Office Action being inapplicable, retraction thereof is requested, and early passage of the pending claims to issue is earnestly solicited.

Applicants would appreciate if the Examiner would please contact Applicants' attorney by telephone, if that might help to speedily dispose of any unresolved issues pertaining to the present application.

Respectfully submitted,



Andrew T. Hyman
Attorney for the Applicant
Registration No. 45,858

May 22, 2008

mbh

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP

755 Main Street, PO Box 224

Monroe CT 06468

Tel: 203 261-1234

Fax: 203 261-5676